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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

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EXAMINER
RONES, CHARLES

ART UNIT	PAPER NUMBER
2175	10

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRC

Office Action Summary	Application No.	Applicant(s)	
	09/755,723	GOODMAN ET AL.	
	Examiner	Art Unit	
	Charles L. Rones	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

The amendment timely filed May 20, 2003. Claims 1-10 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Grewe et al. (U. S. Patent No. 5,670,730.)

As to claim 1, Grewe et al. teaches a method, performed by a processor in a portable digital music player, for filing audio tracks stored on a computer readable media, with each audio track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track (see Abstract, see Fig. 3, and see column 1, lines 6-21), said method comprising the acts of:

reading a definition file that defines an ordered hierarchical tree structure (see Fig. 2, see column 1, lines 47-49), with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of

tracks are to be sorted under the branch, and structure information defining how to file tracks based on associated metadata (see column 1, lines 49-67);

for each track, iteratively determining, base on metadata describing the track, if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track (see Abstract, see Fig. 3, also see column 3, lines 45-49.)

As to claim 2, Grewe et al. teaches a method, where said act of searching further comprises the acts of:

utilizing track type information to file only tracks of a specified type under a particular branch (see Abstract, see column 3, lines 47-53.)

As to claim 3, Grewe et al. teaches a method further comprising the acts of:

for each branch, utilizing category structure information to file tracks in a specified attribute order (see column 4, lines 19-35.)

As to claim 4, Grewe et al. teaches a method, where said portable digital music player includes a display screen and a user interface for interacting with the display (see column 1, lines 13-21), further comprising the acts of:

displaying the categories and subcategories on the display in a hierarchical order (see column 2, lines 49-51, also see column 3, lines 38-44);

displaying all names of tracks associated with a category or sub-category when a user utilizes the interface to select a category or sub-category (see column 1 line 65 through column 2, line 3, also see column 3, lines 49-53);

utilizing the pointer to access and play a track when a user selects a track name through the user interface (see column 3, lines 53-57, also see column 3, lines 17-19) and

utilizing the pointer to access and play a collection of tracks within a category or subcategory when a user selects a category or subcategory through the user interface (see column 3, lines 55-57.)

As to claim 5, Grewe et al. teaches a method, implemented by a processor in a portable digital music player, for associating metadata with audio tracks (see Abstract) comprising the acts of:

opening a formatted file for each track comprising a file data portion and a file attributes portion, with the file attributes portion including a plurality of fields corresponding to category types and file types (see column 3, lines 45-49);

storing an unmodified audio track in the file data portion of the formatted file (see column 4, lines 19-21);

and

storing category type and file type information about the unmodified track in corresponding fields (see column 2, line 37 through column 3, line 28.)

As to claim 6, Grewe et al. teaches a method, performed by a processor in a portable digital music player, for filing audio tracks, stored on a computer readable media, under categories in an in memory tree structure, with each audio track having metadata associated therewith including category name data for naming (see Abstract, see column 1, lines 46-56), said method comprising the acts of:

upon startup or when a track is added or changed, searching the metadata of each track (see column 1, lines 58-65); and

for each track, automatically filing the track by category name under each selected category to form a hierarchical track filing scheme (see column 5, lines 34-54.)

As to claim 7, Grewe et al. teaches a method further comprising the act of:

selecting the categories to be the Album including the track, the title of the track, and the name of the artist that recorded the track (see column 3, lines 45-53.)

As to claim 8, Grewe et al. teaches a method, where said portable digital music player includes a display screen and a user interface for interacting with the display (see column 2, lines 49-51), further comprising the acts of:

displaying the categories on the display in a hierarchical order see column 2, lines 49-51, also see column 3, lines 38-44);

displaying all names of tracks associated with a category when a user utilizes the interface to select a category (see column 3, lines 49-53) ;

accessing and playing a track when a user selects a track name through the user interface (see column 3, lines 53-57, also see column 3, lines 17-19); and

accessing and playing a collection of tracks within a category when a user selects a category through the user interface ((see column 1 line 65 through column 2, line 3, also see column 3, lines 49-53.)

As to claim 9, Grewe et al. teaches a computer program product comprising:

a computer readable medium having program code embodied therein for filing audio tracks stored on a computer readable media, with each audio track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track (see Abstract), said program code comprising:

program code, executed by a processor, for reading a definition file that defines an ordered hierarchical tree structure, with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of tracks are to be sorted under the branch, and structure information defining how to file tracks based on associated metadata (see Abstract, see summary);

program code, executed by a processor, for each track, for iteratively determining, base on metadata describing the track, if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track (see Fig. 3, see column 3, lines 45-49, also see column 4, lines 10-14.)

As to claim 10, Grewe et al. teaches a computer program product comprising:

a computer readable medium for having program code embodied therein for filing audio tracks, stored on a computer readable media, under categories in an in-memory tree structure,

with each audio track having metadata associated therewith including category name data for naming (see Abstract, see column 1, lines 46-56), said program code comprising:

program code, executed by a processor, upon startup or when a track is added or changed, for searching the metadata of each track (see column 1, lines 58-65); and

program code, executed by a processor, for each track, for automatically filing the track by category name under each selected category to form a hierarchical track filing scheme (see column 5, lines 34-54.)

Response to Arguments

Applicant's arguments filed May 20, 2003 have been fully considered but they are not persuasive.

Firstly, Applicant argues that Grewe does not disclose using a hierarchical definition file as stated in the claim.

In response, Examiner maintains that Grewe discloses such as stated above in the rejection of the claim wherein the hierarchical arrangement of headers and the table of contents are deemed to be hierarchical.

Secondly, Applicant argues that Grewe does not disclose display categories or subcategories and tracks in an hierarchical order for selection.

In response, Examiner maintains that Grewe discloses such wherein Grewe discloses that the information is displayable. See 2:36-54.

Lastly, Applicant argues that Grewe does not disclose automatically filing a track by category name under a selected category to form a hierarchical track filing scheme.

In response, Examiner maintains that Grewe discloses such wherein Grewe discloses that the headers are arranged hierarchically and that the headers contains a music filed to which the track of music belongs, such as jazz, classical, country, etc. which are deemed to be categories of music arranged hierarchically.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is (703-306-3030. The examiner can normally be reached on Mondays – Fridays from Monday-Thursday 8am-4pm pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703-305-3830. The fax numbers of the group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Charles Rones

Charles L. Rones
Primary Examiner
Art Unit 2175